
Public Utilities Commission of the State of California

Public Agenda 3090

Thursday, June 27, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President

Geoffrey F. Brown

Henry M. Duque

Michael R. Peevey

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Friday, July 12, 2002 (San Francisco)	Thursday, June 27, 2002 (San Francisco)
Monday, August 05, 2002 (San Francisco)	Wednesday, July 17, 2002 (San Francisco)
	Thursday, August 08, 2002 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-23, CA-27, 17

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- | | |
|---------------------------|---|
| CA-1
573 | Res TL-19003
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121728 |
| CA-2
635 | Res ALJ-176-3090
Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure. |

**CA-3
570****Res T-16657 - California Public Utilities Commission.**

Revocation of the following certificates of public convenience and necessity for failure to comply with Commission decisions: U-5044 Napa Valley Telecom Services; U-5264 LDC Consultants; U-5398 Professional Communications Management Services; U-5411 Texas Hotel Communications, Inc.; U-5422 Colorado River Communications Corp.; U-5438 Inacom Communications, Inc.; U-5559 USN Communications, Inc.; U-5592 Pantel Communications, Inc.; U-5615 Telegration, Inc.; U-5672 World-Link, Inc.; U-5708 Cybersentry, Inc.; U-5738 MSN Communications, Inc.; U-5749 Eastern Telecommunications, Inc.; U-5850 Discount Call Rating, Inc.; U-5855 Activel, L.D., Inc.; U-5878 Latin American Enterprises, Inc.; U-5945 Telsa, Inc.; U-6052 Comtex Corporation; U-6082 First Call USA, Inc.; U-6121 Executive Telecard, Ltd.; U-6198 TII Incorporated; U-6205 Centennial Telecommunications, Inc.; U-6219 Alliance Network, Inc.; U-6294 American Telesource International, Inc.; U-6360 Siesta Telecom; U-6452 Leading Edge Broadband Services, Inc.; U-6494 Nxgen Networks, Inc.; and U-6543 Domino Networks Communications, Inc.

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124441

**CA-4
634****R98-12-015 - Rulemaking on the Commission's Own Motion to solicit comments and proposals on distributed generation and competition in electric distribution service.**

This decision increases the award of compensation to Greenling Institute and Latino Issues Forum consistent with D02-05-011. This proceeding is closed.

(Comr Duque - ALJ Cooke)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125482

**CA-5
663****C02-02-016 - Century Investment Company (Complainant) vs. CalTech International Telecom Corporation (Defendant).**

Complainant seeks an order from this Commission revoking the operating authority of Defendant. The gravamen of the complaint is that Defendant's majority shareholder has committed fraud, mismanagement, and abuse of authority. Those issues are before the Superior Court in Contra Costa County in a suit filed by Complainant. This decision defers to the Superior Court proceeding and dismisses this complaint, without prejudice, pending a decision in that forum. This proceeding is closed.

(Comr Brown - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124944

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- CA-6
678** **A02-01-005 - Cal-Ore Telephone Company (Cal-Ore).**
This decision grants Cal-Ore authority to issue notes in an amount not exceeding \$6,711,750 and to execute related agreement and supplemental security instruments. This proceeding is closed.
(Exam Leutza)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125616
- CA-7
687** **I99-10-024 - Investigation of USP&C to determine whether it has violated Public Utilities Code Section 2889.9 by failing to provide Commission staff with requested information and whether the Commission should order California telephone companies to cease providing billing and collection services to USP&C.**
This decision denies claim for intervenor compensation for contributions to D01-04-036. The claimants, the Greenlining Institute and Latino Issues Forum, did not make a substantial contribution to the decision.
(Comr Brown - ALJ Bushey)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123453
- CA-8
689** **Res TL-19004 - California Public Utilities Commission.**
This resolution grants a waiver to every passenger stage corporation from the requirement to file an annual financial report with the Commission.
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125236
- CA-9
690** **Res TL-19005 - California Public Utilities Commission.**
This resolution authorizes the Executive Director to grant requests for voluntary suspension by passenger stage corporations and charter-party carriers.
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125237
- CA-10
691** **C00-04-029 - George M. Sawaya (Complainant) vs. MCI Telecommunications Corp., a.k.a. MCI WorldCom and MCI WorldCom, Inc.**
This decision grants the request of Complainant for intervenor compensation for his substantial contribution to D01-11-017. As adjusted, the amount awarded Complainant is \$3,148.29. This proceeding is closed.
(Comr Wood - ALJ Prestidge)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=116214
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**CA-11
705** **I01-07-008 - Investigation for the purpose of establishing a list for the fiscal years 2002-2003 and 2003-2004 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separation in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.**

This interim order adopts the California Grade Separation Priority List for Fiscal Year 2002 – 2003, as required by Streets and Highways Code Section 2452. This decision orders I01-07-008 to remain open until the Commission issues its final order adopting the Grade Separation Priority List for Fiscal Year 2003 – 2004.

(Comr Brown - ALJ Ryerson)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124924

**CA-12
710** **A99-10-027 - Arrowhead Manor Water Company, Inc. (Arrowhead).**

Application for a general rate increase. I00-03-016 - Related matters. The Commission finds that Arrowhead has been unable or unwilling to adequately serve its ratepayers, and has been unresponsive to the rules and orders of the Commission. The Commission's General Counsel is directed to petition the Superior Court of San Bernardino County to appoint a receiver for Arrowhead's water system in accordance with Public Utilities Code Section 855. Arrowhead is authorized a general rate increase of \$47,815 (16.8%), and a Safe Drinking Water Bond Act (SDWBA) loan surcharge is reinstated. Arrowhead has improperly diverted SDWBA surcharge funds, but also has an uncollected balance in its purchased water balancing account; the two amounts are applied to offset and discharge one another. All penalties imposed by the Department of Water Resources for failure to make timely SDWBA loan payments are not recoverable from ratepayers. These proceedings are closed.

(Comr Brown - ALJ McVicar)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125597

**CA-13
713** **C01-07-027 - California ISP Association, Inc., vs. Pacific Bell Telephone Company, SBC Advanced Solutions, Inc. and Does 1-20.**

This decision extends the 12-month statutory deadline for this adjudicatory proceeding pursuant to the Public Utilities Code Section 1701.2(d) to April 30, 2003.

(Comr Lynch - ALJ Duda)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122888

**CA-14
715 C01-03-041 - XO California, Inc. (Complainant) vs. NorthPoint Communications, Inc. (Defendant).**

Complainant and Defendant jointly move for dismissal of this proceeding. They ask that the Commission in its order state the procedure that should be followed by any carrier that intends to go out of business or withdraw from the provision of a telecommunications service. While this decision grants the motion for dismissal of this complaint case, it refers the procedural request to two pending rulemaking proceedings. This proceeding is closed.

(Comr Wood - ALJ Walker)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123399

**CA-15
716 A01-06-048 - Frontier Communications of America, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to resell interexchange telecommunications. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118621

**CA-16
717 A99-04-042 - Worldwide Telecommunications Corporation (Applicant).**

This decision dismisses the application for registration as an interexchange telecommunications carrier, at the request of the Applicant. The Applicant is ordered to appoint a custodian of records, preserve documents relating to its corporate existence, and to file an explanation of the involvement of Clear World Communications Corporation in its operations and relationship with World Tel Services, Inc. This proceeding is closed upon compliance with Ordering Paragraph 5.

(Comr Lynch - ALJ O'Donnell)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125033

**CA-17
718 R97-10-016 - Order Instituting Rulemaking on the Commission's own motion into monitoring performance of Operations Support Systems.**

I97-10-017 - Related matters. This decision approves an agreement to modify three of the Operations and Support System performance measures used in the Commission's performance incentives plan to monitor and motivate Pacific Bell Telephone Company's (Pacific) OSS performance to competitive local exchange carriers. These modifications add new service types, delete an unnecessary service type, and modify a performance measurement to account for industry-wide performance constraints that are beyond the control of Pacific. The active parties did not oppose the agreement.

(Comr Brown - ALJ Reed)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125335

**CA-18
720****A00-05-018 - Sierra Pacific Power Company (Sierra).**

For authority to establish authorized rate of return on common equity for electric distribution for Year 2001. This decision awards intervenor compensation to Aglet Consumer Alliance and Advocates for Public Interest for their respective substantial contributions in setting Sierra's electric distribution 2001 authorized return on common equity. This proceeding is closed.

(Comr Wood - ALJ Galvin)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=107524

**CA-19
721****A01-06-044 - Southern California Edison Company (SCE).**

For expedited approval of servicing agreement between State of California Department of Water Resources (DWR) and SCE pursuant to Chapter 4 of the Statutes of 2001 (Assembly Bill 1 of the First 2001-2002 Extraordinary Session). In D01-09-014, SCE was ordered to file a motion seeking approval of the basis on which the incremental costs contained in the servicing agreement and charged to DWR were calculated. This decision grants SCE's motion and approves the incremental costs charged by SCE to DWR as reasonable. This proceeding is closed.

(Comr Lynch - ALJ Wong)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=110512

**CA-20
722****A01-06-039 - San Diego Gas & Electric Company (SDG&E).**

For approval of servicing agreement between the State of California Department of Water Resources (DWR) and SDG&E pursuant to Chapter 4 of the Statutes of 2001 (Assembly Bill 1 of the First 2001 - 2002 Extraordinary Session). In D01-09-013, SDG&E was ordered to file a motion seeking approval of the basis on which the incremental costs contained in the servicing agreement and charged to DWR were calculated. This decision grants SDG&E's motion and approves the incremental costs charged by SDG&E to DWR as reasonable. This proceeding is closed.

(Comr Lynch - ALJ Wong)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=110532

**CA-21
723****A01-02-014 - El Paso Global Networks Company (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to provide facilities-based and resold interexchange telecommunications services is granted. This proceeding is closed.

(Comr Lynch - ALJ O'Donnell)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120661

**CA-22
724****A00-11-038 - Southern California Edison Company.**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. In D01-09-015, Pacific Gas and Electric Company (PG&E) was ordered to file a motion seeking approval of the basis on which the incremental costs contained in the servicing agreement and charged to Department of Water Resources (DWR) were calculated. This decision grants PG&E's motion and approves the incremental costs charged by PG&E to DWR as reasonable.

(Comr Lynch - ALJ Wong)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123510

**CA-23
725****(ECP) C01-12-031 - Stephen L. and Marie K. Peck (Complainants) vs. Southern California Gas Company.**

This is a high bill complaint. Complainants' gas consumption was estimated for 3 months; in the fourth month, the meter was read and showed abnormally high use resulting in a bill of \$697.28.

Complainants seek a \$697.28 adjustment. This decision finds that \$220.00 adjustment is reasonable.

This proceeding is closed.

(Comr Brown - ALJ Barnett)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122354

**CA-24
732****A02-03-063 - Hands On Sign Language Services, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to resell local exchange and interexchange telecommunications services. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121957

**CA-25
734****A02-02-030 - California-American Water Company (Cal-Am).**

This decision authorizes Cal-Am to establish a special facilities fee for developers in the Dry Creek area of its West Placer County water service area. This proceeding is closed.

(Comr Duque - ALJ McVicar)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123130

**CA-26
737****Res G-3335 - West Coast Gas Company (WCG).**

This resolution approves WCG's request of an exemption from a provision of Resolution G-3282 requiring WCG to file an application for a general rate review by April 1, 2002. WCG filed its general rate case by advice letter instead. WCG requests no rate increase at this time. (Advice Letter 49-G filed April 3, 2002).

CA-27 06/26/2002 - Moved to item (17) on the agenda.
(Rev.)
740

CA-28 **Res ST- 55 - California Public Utilities Commission.**
742 This resolution grants the request of the Rail Safety and Carriers Division for approval of the Rail Transit Safety Section's final audit report entitled "Triennial On-Site Safety Audit of the Santa Clara Valley Transportation Authority", dated May 16, 2002.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124209

CA-29 **Res W-4339 - North Gualala Water Company, Inc. (NGWC).**
743 This resolution grants NGWC's request to pay down the loan under the California Safe Drinking Water Bond Law, and reduce the existing surcharge to repay the principal and interest. (Advice Letter No. 55 filed January 17, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123734

CA-30 **Res W-4337 - San Jose Water Company.**
744 This resolution authorizes an offset rate increase for increases in the cost of purchased water and pump tax of \$1,406,281 or 1.12% in additional revenue. (Advice Letter 333 filed May 3, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123483

CA-31 **Res W-4338 - California Water Service Company, Bakersfield District.**
745 This resolution authorizes a rate base offset revenue increase of \$795,900 or 2.77% additional annual revenue. (Advice Letter 1513-W, filed April 3, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123305

CA-32 **A02-03-055 - Pacific Gas and Electric Company (PG&E).**
746 This decision grants the application of PG&E for expedited approval under Public Utilities Code § 851 to grant easements to the Placer County Department of Public Works to allow the widening of Bell Road in the northern Auburn area. This proceeding is closed.
(Comr Wood - ALJ Prestidge)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124317

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- CA-33**
747 **A00-11-038 - Southern California Edison Company.**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards Aglet Consumer Alliance \$47,718.94 in compensation for its contribution to D02-04-016 in the utility retained generation phase of this proceeding.
(Comr Lynch - ALJ DeUllola)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123080
- CA-34**
748 **Res T-16665 - Verizon California Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and Budget Phone, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10067 filed April 8, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124429
- CA-35**
749 **Res T-16666 - Pacific Bell Telephone Company (Pacific).**
This resolution approves an Interconnection Agreement between Pacific and Telseon Carrier Services, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22815 filed April 5, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124432
- CA-36**
750 **Res T-16667 - Pacific Bell Telephone Company (Pacific).**
This resolution approves an Interconnection Agreement between Pacific and VarTec Telecom, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22846 filed April 16, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124434
- CA-37**
751 **Res T-16668 - Pacific Bell Telephone Company (Pacific).**
This resolution approves an Interconnection Agreement between Pacific and Seren Innovations, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22849 filed April 22, 2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124437
- CA-38**
752 **Res T-16669 - Pacific Bell Telephone Company (Pacific).**
This resolution approves a Resale Agreement between Pacific and U.S. Telephone Holding Company, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22850 filed April 22, 2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124438
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CA-39
753

A02-03-056 - Mammoth Mountain Ski Area (Applicant).

This decision authorizes Applicant to operate a scheduled passenger stage corporation between Mammoth Lakes, June Lake, Lee Vining, Tuolumne Meadows, White Wolf, Crane Flat, and Yosemite Valley. This proceeding is closed.

(Exam Clark)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123739

CA-40
754

A02-04-011 - Nasser Fraydouni and Mahnaz Fereidouni (Sellers) and Xin Xie (Buyer).

This decision authorizes Buyer to acquire from Sellers 100% of the shares of Advanced Airporter, Inc., pursuant to Public Utilities Code Section 854. This proceeding is closed.

(Exam Clark)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124053

CA-41
769

A01-09-021 - City of American Canyon (City).

For approval to construct a public at grade crossing of the California Northern Railroad track, located in Napa County, State of California. This decision grants the request of the City to replace the existing, unprotected private at-grade crossing, at what is now referred to as Frisby Lane, and construct a new, protected, public at-grade crossing, renamed Donaldson Way, at the same location across the Union Pacific Railroad Company's track. This proceeding is closed.

(Exam Clark)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123055

CA-42
770

A01-09-044 - San Diego Metropolitan Transit Development Board (MTDB).

For an order authorizing construction of two light rail vehicle tracks at grade on Alvarado Road west of the 70th Street station grade separated above Ward Road, Camino Del Rio North, Fairmont Avenue, and Alvarado Canyon Road/Interstate 8 off-ramp, Alvarado Canyon Road east of Grantville Station, Interstate 8 at Grantville Station, Canyon Crest Drive, Alvarado Road east of San Diego State University, Commanche Drive, Alvarado Road west, Alvarado Road east, Interstate 8 in La Mesa, and Baltimore Drive; and grade separated below 70th Street, and Interstate 8 off-/on-ramps, in the cities of San Diego and La Mesa, San Diego County, California. This decision grants request of MTDB to construct the Mission Valley East Light Rail Transit Project, which includes two light rail tracks across 15 grade crossings, 14 of which are grade-separated and one located at-grade. This proceeding is closed.

(Exam Clark)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121848

- CA-43**
771 **A02-02-022 - City of Placentia (City).**
This decision grants request of the City to replace an existing at-grade crossing with a grade-separated underpass at Melrose Street in the City of Placentia, Orange County. This proceeding is closed
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119622
- CA-44**
773 **A02-03-010 - San Diego Gas & Electric Company (SDG&E).**
This decision approves SDG&E's power purchase agreements with three qualifying facilities (Minnesota Methane (MM) San Diego LLC, QFID 455; MM San Diego LLC QFID 450; and MM Prima Deschecha Energy LLC, QFID 448). This proceeding is closed.
(Comr Wood - ALJ DeBerry)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124157
- CA-45**
775 **A02-02-011 - Fawad Ali and Omar Tarzi, a partnership, dba Thrifty Express Shuttle Service (Applicant).**
This decision authorizes Applicant to operate an on-call passenger stage corporation between points in Contra Costa and Alameda Counties and Oakland and San Francisco International Airports and to establish a Zone of Rate Freedom. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124024
- CA-46**
778 **A02-02-002 - Catalina Channel Express, Inc. (Applicant).**
This decision authorizes Applicant to increase baseline fares on its passenger vessel service to Catalina Island between 7.1% and 10%. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123737
- CA-47**
782 **A02-03-015 - Evans Telephone Company (Evans) and ABRY Partners, LLC (ABRY).**
For approval of the indirect transfer of Evans to ABRY. This decision approves the acquisition by ABRY of indirect control of Evans through investment in Country Road Communications, Evans Telephone's parent. This proceeding is closed.
(Comr Peevey - ALJ Evans)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124906

**CA-48
(Rev.)
789**

A00-11-038 - Southern California Edison Company.

This decision awards \$34,242 in the intervenor compensation to Aglet Consumer Alliance for its significant contribution to D02-02-052 regarding the California Department of Water Resources revenue allocation. A00-11-056, A00-10-028 - Related matters.

(Comr Brown, Comr Lynch - ALJ Pulsifer)

06/20/2002 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123997

**CA-49
525**

A01-05-002 - California Water Service Company (CWS).

This decision denies the application of CWS to increase rates in its operating districts to recover forecasted general office expenditures. Rate recovery of forecasted increases in general office expenditures should be addressed in general rate increase applications for the operating districts. This proceeding is closed.

(Comr Duque - ALJ O'Donnell)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3088, Item CA-8 5/16/2002; Agenda 3089, Item CA-18 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122968

**CA-50
568**

C01-01-029 - Enron Energy Services, Inc., and Enron Energy Marketing Corp. vs. Southern California Edison Company.

Complaint and cross-complaint dismissed at the request of the parties. This proceeding is closed.

(Comr Wood - ALJ Barnett)

(Agenda 3088, Item CA-17 5/16/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122583

**CA-51
569**

C01-08-041 - Enron Energy Services, Inc., and Enron Energy Marketing Corp. vs. Southern California Edison Company.

This decision grants a dismissal of the complaint and cross-complaint, requested by all parties. The \$9,715,860.28 deposited by complainants is refunded to complainants, as requested by all parties. This proceeding is closed.

(Comr Wood - ALJ Barnett)

(Agenda 3088, Item CA-18 5/16/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122585

**CA-52
660****A02-01-018 - Southern California Edison Company (Edison).**

For approval of amendments to power purchase contracts between Edison and seven landfill gas biomass projects. This decision approves contract extensions negotiated by Edison for the purchase of energy from seven electrical generating facilities that are fueled by gas from landfills. All but one of these landfill-powered generating facilities are located in Edison's service territory, and all seven had entered into Standard Offer 1 power purchase contracts with Edison that were originally set to expire on December 31, 2001. The decision concludes that the pricing terms of the contract extensions are sufficiently attractive from a ratepayer perspective, when compared with possible volatility in avoided cost rates, that they should be approved without modification, especially in view of the provision for early termination in certain circumstances. In addition, this decision authorizes Edison to recover in rates all payments for energy made to the owners of the seven facilities, subject only to Edison's prudent administration of the extensions and the underlying contracts. This proceeding is closed.

(Comr Wood - ALJ McKenzie)

(Agenda 3089, Item CA-22 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123976

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

- H-1** **A00-12-026 - Pacific Gas and Electric Company (PG&E).**
38 For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.
 (Comr Lynch - ALJ Kenney)
 Pub. Util. Code § 311 – This item was mailed for Public Comment
 (Agenda 3080, Item CA-9 1/23/2002; Agenda 3088, Item CA-28 5/16/2002)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122730
- H-2** **A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**
93 GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).
 (Comr Duque - ALJ Kotz)
 (Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124458
- H-3 (Rev.)** **A00-07-006 - Southern California Edison Company (SCE).**
168 For authority to issue, sell, and deliver one or more series of debt securities and to guarantee the obligations of others in respect of the issuance of debt securities, the total aggregate principal amount of such indebtedness and guarantees not to exceed \$1,586,840,000; to execute and deliver one or more indentures; to sell, lease, assign, mortgage, or otherwise dispose of or encumber utility property; to issue, sell and deliver in one or more series, an aggregate amount not to exceed \$250,000,000 par or stated value of cumulative preferred stock -- \$25 Par Value, cumulative preferred stock - \$100 Par Value, preference stock or any combination thereof and for an exemption from the Commission's Competitive Bidding Rule. A88-03-024, A00-07-048, A97-11-032 - Related matters. This decision grants SCE certain exemptions from the Competitive Bidding Rule pursuant to its expedited petition for modification of D88-07-069 and D00-10-063. These proceedings are closed.
 (Agenda 3058, Item CA-35, 2/22/01, Continuation. 3/7/01; Agenda 3067, Item H-5, 7/12/01))
 (Comr Lynch - ALJ Evans)
 06/20/2002 - This revision was not shown on the Agenda mailed to the public.

**H-4
169****A99-08-021 - Pacific Fiber Link, L.L.C.**

For modification of its certificate of public convenience and necessity to review proponent's environmental assessment for compliance with the California Environmental Quality Act. In this decision, the Commission is asked to decide whether penalties should apply to telecommunications carrier that began trenching and installing a fiber optic project in 1998 before it received the formal approval of this Commission under the California Environmental Quality Act (CEQA), Pub. Resources Code Sections 21000-21176. The utility in July 1999 was ordered by this Commission to stop work until it obtained formal CEQA approval six months later. Because the Commission in 1998 had no procedure in place for conducting a CEQA review for the type of utility involved, and because the utility was led to believe by Commission staff that an administrative CEQA approval was forthcoming, and because the utility itself retained environmental experts to monitor and direct its work, we conclude that, in the facts and circumstances of this case, no further sanctions are warranted. The staff appeal of the Presiding Officer's decision is denied. This proceeding is closed. (Agenda 3071, Item 5, 9/20/01).

(Comr Duque - ALJ Walker)

Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session

(Agenda 3084, Item H-3 3/21/2002)

**H-4a
731****ALTERNATE TO ITEM 169**

This order finds the Pacific Fiber Link violated Rules 17.1 and 28, as well as Section 702 of the Public Utilities Code and fines the Company \$378,000.

(Comr Wood)

Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123697

**H-5
309****A00-11-038 - Southern California Edison Company.**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network \$574,584.45 in compensation for its contribution to D01-01-018, D01-03-029, D01-03-081, D01-03-082, D01-04-005, and D01-05-064.

(Comr Lynch - ALJ DeBerry)

(Agenda 3084, Item CA-18 3/21/2002; Agenda 3089, Item H-7 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124928

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- H-5a**
680 **ALTERNATE TO ITEM 309**
This alternate order awards The Utility Reform Network compensation for its contribution to D01-01-018, D01-03-029, D01-03-081, D01-03-082, D01-04-005, and D01-05-064 but denies the requested compensation for federal court proceedings.
(Comr Duque)
(Agenda 3089, Item H-7a 6/6/2002)
- H-6**
359 **I01-10-002 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Bidwell Water Company (Bidwell) and its owners and operators, Thomas and Vicki Jernigan, and order to show cause why findings should not be entered by the Commission under Public Utilities Code Section 855.**
This decision determines that a showing has not been made that Bidwell is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. This proceeding is closed.
(Comr Duque - ALJ Ryerson)
Pub. Util. Code § 311 – This item was mailed for Public Comment
(Agenda 3086, Item 1 4/22/2002; Agenda 3089, Item H-2 6/6/2002)
- H-6a**
360 **ALTERNATE TO ITEM 359**
This decision determines that a showing has not been made that Bidwell Water Company is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. However, this decision requires the respondents to file a compliance plan to remedy outstanding violations of prior Commission orders.
(Comr Duque)
(Agenda 3086, Item 1a 4/22/2002; Agenda 3089, Item H-2a 6/6/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117452
- H-7**
510 **A01-03-026 - PacifiCorp.**
For an order authorizing an immediate interim rate increase, subject to refund and for consideration of a Rate Stabilization Plan. This decision grants PacifiCorp an interim rate increase of one-cent per kilowatt-hour, subject to refund with interest. The resulting rate may not exceed those requested in its general rate increase filing in this proceeding.
(Comr Duque - ALJ O'Donnell)
Pub. Util. Code § 311 – This item was mailed for Public Comment
(Agenda 3088, Item CA-7 5/16/2002; Agenda 3089, Item H-5 6/6/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125523
-

H-7a ALTERNATE TO ITEM 510**776**

This alternate decision revises the proposed decision to reject Pacificorp's request for an interim 14% rate increase. Instead, the alternate allows Pacificorp to track its 2002 procurement costs and seek recovery of high procurement costs in a future application if such high costs are actually incurred. (Comr Lynch)

H-8 (Rev.) R02-02-020 - Order instituting rulemaking on the Commission's own motion to establish an appropriate error rate for connections made by an Automatic Dialing Device Pursuant to Section 2875.5 of the Public Utilities Code.

597

This interim decision defines and establishes an "acceptable error rate" for calls generated by predictive dialing telephone equipment. Effective July 1, 2002, the rate will be 3% of all predictive dialer calls answered by a live person. An "error" is defined as a call answered by a live person in which (1) the predictive dialer disconnects the call after the called party has answered, or (2) the called party does not receive a response from the calling agent or telemarketer within two seconds of the called party's completed greeting, or, alternatively, no agent or telemarketer is available within four seconds of the called party's telephone going off-hook. The four-second off-hook standard is a transitional one that will be phased out in six months. The "acceptable error rate" will be reduced to 1% on January 1, 2003, although this standard is subject to further review in an industry workshop that will be conducted by our Telecommunications Division within 90 days. We also establish preliminary record-keeping requirements and direct that the workshop consider further record-keeping requirements and means of informing the public about do-not-call registers and other ways of protecting themselves from unwanted telephone calls.

(Comr Brown - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3089, Item 1 6/6/2002)

06/20/2002 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125234

H-9 A01-06-041 - Sierra Pacific Power Company (Sierra).**620**

For an order authorizing an immediate interim rate increase, subject to refund and for consideration of a rate stabilization plan. This decision authorizes Sierra to raise its rates by 2¢/kWh. This interim rate increase is granted subject to refund, pending a final determination on its rate stabilization plan. It is found that Sierra's California operations had a negative rate of return in 2001 and will have a negative rate of return in 2002 absent a rate increase.

(Comr Lynch - ALJ Barnett)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3089, Item 2 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125495

**H-10
677****A02-03-001 - Pacific Pipeline System LLC (PPS LLC), Pacific Energy Partners, L.P. (Pacific L.P.) and Pacific Energy GP, Inc. (Pacific GP).**

For an ex parte order pursuant to Public Utilities Code Section

854(a) authorizing Pacific L.P. and Pacific GP to acquire, indirectly, PPS LLC as part of an internal restructuring establishing a master limited partnership. Granted. This proceeding is closed.

(Comr Brown - ALJ Evans)

(Agenda 3089, Item 5 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123578

**H-11
706****A01-01-021 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).**

This decision authorizes SoCalGas and SDG&E to consolidate their gas supply portfolios and management of gas acquisition; to review rules for noncore customers to procure gas; to permit core-customers of wholesale customer to obtain gas on the same terms as core customers of the utilities, provided that reacquired El Paso capacity will be assigned to the consolidated gas supply portfolio; and permits the consolidated management to provide tolling service to SDG&E. This proceeding is closed.

(Comr Duque - ALJ Barnett)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3089, Item 7 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123322

**H-11a
707****ALTERNATE TO ITEM 706**

This decision declines to authorize consolidation of Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company's gas supply portfolios and management of gas acquisition, and provides wholesale customers of SoCalGas and other gas utilities that serve core customers to have first option to SoCalGas' El Paso interstate capacity that reverts to SoCalGas control before 2006.

(Comr Lynch)

(Agenda 3089, Item 7a 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125630

Orders**1 (Rev.)
644 I01-08-003 - Investigation into Talk America, Inc. (Talk or Respondent), formerly Talk.com Holding Corporation, formerly Tel-Save, Inc., to determine whether it has violated the laws, rules, and regulations governing the manner in which California subscribers are switched from one presubscribed carrier to another.**

This decision approves a settlement agreement entered into between the Commission's Consumer Services Division and Respondent. Under the agreement, Talk will make various payments totaling \$1 million. Of this sum,

\$ 374,800 is for consumer restitution, and \$625,200 constitutes a fine and related expenses for distributing the restitution to eligible customers. Talk also admits to certain violations of the Public Utilities Code. This proceeding is closed.

(Comr Brown - ALJ Econome)

Pub. Util. Code § 311 – This item was mailed for Public Comment

06/18/2002 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124535

**2
656 A98-07-003 - Pacific Gas and Electric Company.**

For verification, consolidation, and approval of costs and revenues in the Transition Revenue Account. This decision authorizes Southern California Edison Company (SCE) to establish a Historical Procurement Charge to recover a portion of the approximately \$4 billion settlement in the Federal Court case between SCE and this Commission. The charge is applicable to Direct Access customers and is computed by reducing by 2.5¢/kWh the generation credit due the Direct Access customer. This proceeding is closed.

(Comr Wood - ALJ Barnett)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122603

**3
670 A01-09-027 - Southern California Edison Company (SCE).**

For order approving proposed settlement agreement regarding QFID 2180 and authorizing SCE's recovery of payments made under the proposed settlement agreement between SCE and the County of Los Angeles. This decision approves the settlement agreement between SCE and the County of Los Angeles regarding the Pitchless Honor Rancho cogeneration facility. This proceeding is closed.

(Comr Wood - ALJ Wong)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117919

3a ALTERNATE TO ITEM 670**671**

This decision rejects the application of Southern California Edison Company for approval of its agreement to make certain payments to the County of Los Angeles regarding the Pitchless Honor Rancho cogeneration facility. This proceeding is closed.

(Comr Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123220

**4
703****R97-08-001 - Rulemaking on the Commission's own motion to consider adoption of rules applicable to interexchange carriers for the transfer of customers including establishing penalties for unauthorized transfer.**

I97-08-002 - Related matters. This decision modifies the hourly rates for attorneys Brown and Gnaizda, but denies the remainder of the Petition for Modification of D01-09-011 filed by Latino Issues Forum and Greenlining Institute on the grounds that the Commission is not persuaded to modify the decision.

(Comr Brown - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125272

**5
711****I00-01-018 - Investigation into Long Distance Charges, Inc., Least Cost Routing, Inc., National Telecommunications, Inc., Future Telecommunications, Inc., and Tel-Save, Inc., and Ned Gershenson and Doris Fisher in their individual and controlling officer and/or shareholder capacities (Respondents).**

This decision approves a settlement agreement negotiated by the Consumer Services Division with the Respondents. The agreement provides that the Respondents will contribute \$152,000 toward the restitution of California customers who were slammed by one of the following companies: Long Distance Charges, Inc., Least Cost Routing, Inc., and National Telecommunications, Inc., all of which are controlled by respondents Ned Gershenson and Doris Fisher. The agreement also requires these companies (as well as another company controlled by Gershenson and Fisher, Internet Telephone Company, Inc.) to surrender the certificates of public convenience and necessity allowing them to operate in California, and obliges them (as well as Gershenson and Fisher individually) not to reapply for operating authority in California for at least five years. The settlement also requires the respondents to pay the Commission a penalty of \$136,000, to pay \$22,000 to reimburse customers for the costs of switching to new long-distance or toll service providers, and to pay up to \$30,000 to hire an independent legal claims administrator, Gilardi & Co. LLC, to handle the payments to the customers who were slammed. This proceeding is closed.

(Comr Wood - ALJ McKenzie)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125605

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- 6**
712 **R01-08-027 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing low-income assistance programs.**
This decision adopts penetration goals for the California Alternate Rates For Energy (CARE) program, adopts an automatic enrollment program for CARE, and addresses other issues related to the Commission's low-income assistance programs.
(Comr Wood - ALJ Gottstein)
- 7**
714 **A98-02-017 - Pacific Bell (Pacific).**
For authority to categorize business inside wire repair, interexchange carrier directory assistance, operator assistance service and inmate call control service as Category III services. A98-04-048 - Related matters. This decision denies the Office of Ratepayer Advocates' petition for modification of D99-06-053 to recategorize Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR wirepro ceiling rate to \$1.20 from \$2.99. These proceedings are closed.
(Comr Duque - ALJ Galvin)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123394
- 8**
741 **R02-01-010 - Rulemaking to Repeal Rule 63.2(b) of Commission Rules of Practice and Procedure.**
This decision repeals rule 63.2(b), regarding petitions for automatic reassignment of the Administrative Law Judge, and makes minor amendments to Rule 63.2(c) and (d). This proceeding is closed.
(Comr Lynch - ALJ Prestidge)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122673
- 9**
738 **A01-11-045 - Global Naps, Inc.**
For arbitration of an interconnection agreement with Pacific Bell Telephone Company pursuant to Section 252(b) of the Telecommunications Act of 1996. A01-12-026 - Related matters. This decision adopts the Final Arbitrator's Report and conformed interconnection agreements filed by the parties, with modification. These proceedings are closed.
(Comr Duque - ALJ Jones)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125515
-

- 10** **I _____ - Order Instituting Investigation of Pacific Gas and Electric Company to Issue,**
781 **Sell and Deliver Common Stock and One or More Series of Its First and Refunding**
 Mortgage Bonds, Debentures, Subordinated Deferrable Interest Debentures, Promissory
 Notes and/or Other Evidences of Indebtedness in Connection with An Approved Plan of
 Reorganization Under Chapter 11 of the Bankruptcy Code; Enter into One or More Interest
 Rate Caps, Collars and Swaps; an Exemption from the Competitive Bidding Rule.

(Comr Peevey - Exam Clanon)

- 11** **R _____ - Order Instituting Rulemaking for the purpose of revising certain Rules of**
784 **Practice and Procedure to implement Public Utilities Code § 1708.5 (Petition for**
 Rulemaking).

This Rulemaking proposes the addition of a new Rule 14.7 to the Rules of Practice and Procedure to implement Public Utilities Code Section 1708.5, regarding petitions for rulemaking.

(Comr Lynch - ALJ Prestidge)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=90254

- 12** **I99-09-001 - Investigation on the Commission's Own Motion into the operations and**
785 **practices of Telmatch Telecommunications, Inc. (Telmatch), to determine whether it has**
 violated the laws, rules and regulations governing the manner in which California consumers
 are billed for telecommunication services.

This decision determines whether Telmatch has imposed unauthorized charges on consumers' telephone bills and if so, whether Telmatch should pay reparations and fines. Additionally, this decision addresses whether the Commission should revoke Telmatch's operating authority.

(Comr Duque - ALJ DeUlloa)

Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=83896

13
788

R_____ - Order Instituting Rulemaking to require California utilities to ensure adequate contracted interstate natural gas capacity to California on the El Paso Natural Gas Company pipeline system.

This proceeding is opened to consider specific proposed rules aimed at ensuring sufficient firm capacity to California on El Paso Natural Gas Company (El Paso) following the Federal Energy Regulatory Commission's May 31, 2002 Order allowing existing El Paso shippers, which serve California, to turn back firm contracts to shippers located east of California along the El Paso pipeline system. Through this rulemaking, the Commission proposes to require Pacific Gas & Electric, Southern California Gas Company, San Diego Gas and Electric, Southwest Gas and Southern California Edison to acquire a proportionate share of any firm capacity that becomes available as a result of any such turned-back capacity, as soon as that capacity is made available. The Commission further proposes to pre-approve the full cost recovery for any such capacity contracted by these utilities.

(Comr Lynch - ALJ Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124883

14
792

R00-10-002 - Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs and the reliability of the electric system.

This decision authorizes limited changes to the demand bidding program (DBP). The changes transition DBP to a reliability program. As revised, requests and bids will not be limited to three four-hour blocks, the price is fixed at \$0.35/kWh, utilities will evaluate offers, utilities will make payments based on performance and program expenses may be tracked in the interruptible program memorandum account. The annual program total cost cap for Southern California Edison Company is increased by \$10 million. Utilities shall file advice letters and tariffs within one day of the date of this order, and the advice letters and tariffs shall become effective five days thereafter unless suspended by the Energy Division Director. The proceeding remains open.

(Comr Wood - ALJ Mattson)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124950

**15 (Rev.)
809 A01-06-039 - Application of San Diego Gas & Electric Company (SDG&E) for approval of servicing agreement between the State of California Department of Water Resources (DWR) and SDG&E.**

This decision resolves the June 21, 2002 petition of SDG&E to modify D01-09-013. In the petition, SDG&E seeks Commission approval of an amendment ("Amendment No. 1") to the "First Amended and Restated Servicing Agreement" between DWR and SDG&E. The purposes of the latest amendment are to provide a separate line item on the Consolidated Utility Bill for Bond Charges and to implement the 2002 "20/20" program as ordered by the Commission in Resolution E-3770. This proceeding is closed.

This matter is added to the agenda pursuant to Gov. Code § 11125.3(a)(2).

(Comr Lynch - ALJ Wetzell)

06/24/2002 - This item was not listed on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125432

**16 (Rev.)
810 A01-06-044 - Application of Southern California Edison Company (SCE) for approval of servicing agreement between the State of California Department of Water Resources (DWR) and SCE.**

This decision resolves the June 21, 2002 petition of SCE to modify D01-09-014. In the petition, SCE seeks Commission approval of an amendment ("Amendment No. 1") to the "First Amended and Restated Servicing Agreement" between DWR and SCE. The purposes of the latest amendment are to provide a separate line item on the Consolidated Utility Bill for Bond Charges and to implement the 2002 "20/20" program as ordered by the Commission in Resolution E-3770. This proceeding is closed.

This matter is added to the agenda pursuant to Gov. Code § 11125.3(a)(2).

(Comr Lynch - ALJ Wetzell)

06/24/2002 - This item was not listed on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125452

**17 (Rev.)
740 I99-04-023 - Investigation into Accutel Communications, Inc., d.b.a. Florida Accutel Communications, Inc. (Accutel).**

This decision finds that Accutel has violated Public Utilities Code §§ 451, 2890, and 2889.5. Based on the totality of the circumstances, Accutel is ordered to pay a fine of \$1,520,000 of which \$760,000 is suspended to the State's General Fund. This proceeding is closed.

(Comr Brown - ALJ DeUlloa)

Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session

06/26/2002 - This item appeared as (CA-27) on the agenda distributed to the public.

Utilities Resolutions and Written Reports***Energy Matters*****E-1 Res E-3767 - Pacific Gas and Electric Company (PG&E), Southern California Edison
645 Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

This resolution denies utility advice letters and modifies tariff language in Tariff Rules 20A and 20B. (Advice Letter (AL) 2188-E filed January 10, 2002, by PG&E, AL 1593-E filed January 10, 2002, by SCE, and AL 1387-E filed January 31, 2002, by SDG&E)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124969

Telecommunications Matters**C-1 Res T-16656 - Verizon California Inc. (Verizon).**

524 This resolution accepts subject to future Commission order, Verizon's 2000 Rate of Return adjusted for directory revenue and expenses from its supplemental 2000 sharable earnings Advice Letter 9944. Since sharing has been suspended in D98-10-026, there is no immediate impact on rates as a result of this filing. (Advice Letter 9944 filed December 12, 2001)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3088, Item C-1 5/16/2002; Agenda 3089, Item C-1 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125304

C-2 Res T-16658 - Pacific Bell Telephone Company (Pacific).

578 This resolution approves Pacific's introduction of Toll and Long Distance Availability Limit Plan (the Plan). The approved tariff modifications ensure that the Plan is not unduly restrictive, gives customers adequate notice per Commission standards, complies with existing Commission rules on local disconnect policy, does not restrict service for non payment of disputed and unauthorized charges, and does not harm competition and ratepayer interests.

(Advice Letter 22646 filed February 1, 2002)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3089, Item CA-6 6/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124938

Rail Safety and Carrier Division Reports and Resolutions

T-1 Res SX-41

701 Resolution authorizing adoption of Guidelines for the use of Four Quadrant Gates in connection with the installation of four quadrant gate systems at highway-rail grade crossings. (Exam Clark) (Agenda 3064, Item CA-29, 5/24/01; Agenda 3067, Item T-1 7/12/01)
(Agenda 3089, Item T-1 6/6/2002)

Legislative Matters***Items Held Over***

- HLEG-1** **AB 117 (Migden).**
(Rev.) Community aggregation. Request for Commission position.
606 (Agenda 3088, Item LEG-1 5/16/2002; Agenda 3089, Item HLEG-1 6/6/2002)
06/25/2002 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125289
- HLEG-2** **SB 1519 (Bowen).**
(Rev.) DWR, renewable power, retail consumer bypass. Request for Commission position.
543 (Agenda 3087, Item LEG-10 5/2/2002; Agenda 3089, Item HLEG-3 6/6/2002)
06/25/2002 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125429
- HLEG-3** **SB 1876 (Bowen).**
679 Electrical restructuring (as amended May 20, 2002). Request for Commission position.
(Agenda 3089, Item LEG-9 6/6/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125309

Items

- LEG-1**
779 **AB 80 (Havice).**
Aggregation: Magnolia Power Project. Request for Commission position.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125299
- LEG-2**
(Rev.)
772 **AB 468 (Firebaugh).**
State property: access: telecommunications. Request for Commission position.
06/25/2002 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125422
- LEG-3**
756 **AB 1814 (Reyes).**
Internet service providers: notice of service termination. Request for Commission position.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125303
- LEG-4**
(Rev.)
757 **AB 2062 (Pescetti).**
Energy: agency consolidation. Request for Commission position.
06/25/2002 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125308

Commissioner's Reports**CR-1 Commissioners' Reports.****636** Miscellaneous Commissioners' Reports.**CR-2 Commissioner Brown and Commissioner Peevey Report.**

664 Commission Policies and Guidelines pursuant to Public Utilities Code Section 305, including: Public Agenda, decision document notation and distribution of documents.
(Agenda 3089, Item CR-2 6/6/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125554

CR-3 Commissioner Brown and Commissioner Peevey Report

795 A00-10-045 & A01-01-044 - San Diego Gas & Electric Company. Discussion of, and action on, procedural aspects of the proposed settlement of SDG&E v. Loretta Lynch, et al., U.S. District Court (S.D. Cal.), Case No. 02CV 339 BTM (JAH), a copy of which has been provided to the parties in this proceeding.

Management Reports

M-1 Management Reports.

637 Miscellaneous Management Reports.

M-2 General Counsel's Report.

780 Possible Addendum/Changes to Summary of Material Terms for Department of Water Resources' bond transaction.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

- HEX-1** **C99-01-039 - Conference with Legal Counsel-Application for Rehearing**
172 Disposition of the Application for Rehearing filed by Greenlining Institute and Latino Issues Forum of D01-04-037, which denied a complaint regarding tariffing and billing for commercial customers for voicemail services.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
 (Agenda 3087, Item HEX-1 5/2/2002; Agenda 3089, Item HEX-1 6/6/2002)
- HEX-2** **I01-04-002 - Conference with Legal Counsel - Applications for Rehearing.**
651 Disposition of the applications for rehearing of interim opinion, D02-01-039, filed by Edison International; PG&E Corporation; Pacific Gas and Electric Company; Southern California Edison Company; and a joint application by Sempra Energy and San Diego Gas & Electric Company. The interim decision provides an initial interpretation of the “first priority” condition in the holding company systems of the utilities and their respective holding companies.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
 (Agenda 3089, Item EX-5 6/6/2002)
- HEX-3** **I01-04-002 - Conference with Legal Counsel - Application for Rehearing.**
662 A87-05-007, A94-11-013, A95-10-024, A96-10-038 - Related matters. Disposition of application for rehearing of D02-01-037 filed by PG&E Corporation, Edison International, and San Diego Gas and Electric Company and Sempra Energy jointly. D02-01-037 concludes that the Commission has continuing jurisdiction over the holding companies enabling it to enforce the conditions imposed on the formation of the holding companies in Commission proceedings.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
 (Agenda 3089, Item EX-8 6/6/2002)

Orders

- EX-1**
638 **Conference with Legal Counsel – Applications for Rehearing.**
Compilation of applications for rehearing recently filed with the Commission.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
- EX-2**
639 **Conference with Legal Counsel – Threatened Litigation.**
Significant exposure to litigation.
Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session
- EX-3**
640 **Conference with Legal Counsel – Initiation of Litigation.**
Consideration of possible Commission initiation of, or intervention in, litigation.
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session
- EX-4**
641 **Personnel Matters.**
Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.
Gov. Code § 11126(a), allows this item to be considered in Closed Session

Federal Items

Items Held Over

HFEX-1

Conference with Legal Counsel - Existing Litigation.

627

Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

(Agenda 3089, Item FEX-3 6/6/2002)

Items

- FEX-1**
643 **Conference with Legal Counsel – Initiation of Litigation.**
Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session
- FEX-2**
642 **Case No. 01 30923 DM. - Conference with Legal Counsel - Existing Litigation.**
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-3**
790 **FERC Docket No. ER02-1672-000**
Western Area Power Administration, Pacific Gas and Electric Company, Trans-Elect, Inc.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-4**
793 **Conference with Legal Counsel – Existing Litigation.**
For Discussion Only: San Diego Gas & Electric Company v. Loretta Lynch, et al., U.S. District Court (S.D. Cal.), Case No. 02CV 339 BTM (JAH).
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session